

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKIN CLERK'S OFFICE
U.S. DISTRICT COURT
JUL 29 2005

EBONY SMITH and CYNTHIA ANDERSON,

P.M. _____
TIME A.M. _____

Plaintiffs,

-against-

THE CITY OF NEW YORK, DETECTIVE GERALD J.
FARRELL, DETECTIVE DANIEL ALTIERI,
DETECTIVE ARETHA WILLIAMS, and SERGEANT
EDWARD MONTEMURRO,STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

CV 04 3300 (FB)(SMG)

Defendants.

WHEREAS, plaintiffs Ebony Smith and Cynthia Anderson commenced this action by filing a complaint on or about July 30, 2004, alleging a violation of their civil rights pursuant to 42 U.S.C. §1983; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;


WHEREAS, plaintiff Cynthia Anderson has agreed to withdraw all claims or rights of action which were or could have been alleged in the aforementioned action arising out of the events alleged in the complaint in this action, with prejudice, against the individually named defendants, any and all present and former employees and agents of the City of New York, and the City of New York;


NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff EBONY SMITH the sum of THIRTY THOUSAND (\$30,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff EBONY SMITH agrees to the dismissal of all the claims against the individually named defendants, and to release all defendants, any and all present and former employees and agents of the City of New York, and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.
3. Plaintiff EBONY SMITH shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.
4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 19, 2005

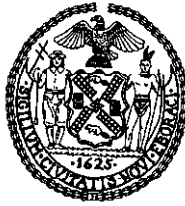

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SO ORDERED:


Frederic Block, USDC

7/25/05



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July 25, 2005

BY HAND and ECF

The Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ebony Smith, et al. v. City of New York, et al.*, CV 04 3300 (FB)(SMG)

Dear Judge Block:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York, Farrell, Altieri, Williams and Montemurro in the above-referenced matter. Enclosed please find the original Stipulation and Order of Settlement and Dismissal in the above-referenced matter for the Court's endorsement and filing.

Thank you very much for your consideration herein.

Respectfully submitted,

M. Vivian Najib (MN 6002)
Assistant Corporation Counsel

Enclosure.

cc: John Cobb, Esq. (by fax)
233 Route 17, #5
Tuxedo, New York 10987